



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/989,373	12/12/97	GARCIA	TRD-009-PA

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LMC1/0302

EXAMINER

LEE, P

ART UNIT	PAPER NUMBER
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2747

DATE MAILED: 03/02/99

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

08/989,373

Applicant(s)

Garcia et al

Examiner

Ping Lee

Group Art Unit

2747



☐ Responsive to communication(s) filed on _____.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-23 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-23 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 3-5

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2747

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 4, 7-9, 12-16, and 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Langord-Smith.

Regarding claims 1, 4, 7-9, 12-16, and 18-20, Langord-Smith discloses the audio transformer which naturally will generate harmonic contents. See p. 207 specifically. Although not explicitly shown, an audio source is inherently connected to the transformer.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2747

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 2, 3, 5, 6, 10, 11, 17, and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Langford-Smith.

Regarding claims 2, 3, 5 and 6, Langford-Smith fails to explicitly show the specific frequency range and the amplification factor as claimed. However, it was well known to those in the art that the specific response of an audio transformer and the amplification factor are determined by the designing factor and the components being used.. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the system as disclosed in Langford-Smith by having frequency response peak at the range from 6 kHz to 30 kHz because it was considered as a matter of engineering design choice to design the performance of the transformer according to its application.

Regarding claims 10, 11 and 17, Langford-Smith fails to explicitly show the audio source. However, one skilled in the art would recognize that both mono source or stereo source can be connected to the transformer. Of course, for stereo inputs with left and right signals, one

Art Unit: 2747

transformer for each channel would be required. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the system of Langford-Smith by using two transformer to processing stereo signals with two separate channels.

Regarding claims 21-23, Langford-Smith fails to explicitly show any means connected to the transformer. It was well known in the art that a transformer as disclosed is only part of an audio processing system, wherein, one skilled in the art that the processed signal from the transformer can be reproduced by the speaker and being stored on a record for further modification and evaluation. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the system as disclosed in Langford-Smith by reproduced the processed signal from the transformer through a transducer and stored on a recording medium in order to listen to the modified effect.

5. Claims 10, 11 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kurtin et al in view of Langford-Smith..

Kurtin discloses a stereo audio system with two audio transformers (26', 27'). However, Kurtin fails to show the frequency characteristic of the transformers. It was well known in the art that the transformer is not a linear device. As discussed in Langford-Smith, each audio transformer has its own characteristic depending on the design components. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention was made with both references before him/her to modify the system of Kurtin by incorporating the teaching regarding

Art Unit: 2747

the transformer as disclosed in Langford-Smith in order to design the transformers to be able to perform the function as intended.

6. Some of the references cited in 1449 are not initialed/considered because the examiner cannot determine whether the applicant provides a copy. There are numerous pages attached to 1449, but they cannot be clearly identify according to the list on 1449. The listed applications on 1449 will be considered, however, they will not be published on the issued patent.

7. **Any response to this final action should be mailed to:**

Box AF

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications; please mark "EXPEDITED PROCEDURE")


Or:

(703) 305-9508 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ping W. Lee whose telephone number is (703) 305-4865.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.


PING W LEE
PRIMARY EXAMINER
GROUP 2700